

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2195 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

V P PATEL

Versus

GUJ. STATE SEEDS CORPN. LTD., GANDHINAGAR

Appearance:

MR AM RAVAL for Petitioner

MR JR NANAVATI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, an employee of the respondent-Corporation, filed this Special Civil Application in which challenge has been made to the order dated 4th October 1990, under which he was ordered to be reverted from the post of Office Superintendent to the post of Assistant. The petitioner has also challenged the office order, annexure 'E', of the Corporation, dated 7.2.91, under which the

application filed by him against the order dated 4th October 1990, was rejected.

2. It is not in dispute that the petitioner was reverted on the ground that the post on which he was promoted was reserved for Schedule Tribes (ST). The learned counsel for the petitioner is unable to satisfy this Court that the post on which the petitioner was promoted, was not the post reserved for ST. In case the petitioner has been given promotion on the post which was reserved for ST then it is a case of correction of mistake or error. The petitioner will not have any right to continue on the post which is reserved for ST. In view of this fact, it cannot be said that the order of reversion of the petitioner suffers from any infirmity or illegality which calls for interference of this Court sitting under Article 226 of the Constitution of India. The learned counsel for the respondent brought on record two documents and contended that this writ petition, otherwise has also become infructuous. Under the application dated August 31 1995, the petitioner tendered his resignation from the services of the Corporation. That resignation of the petitioner was accepted by the Corporation under its order dated 7.8.95 with effect from 5.7.95. The petitioner is not in service but only on this ground, it cannot be said that this writ petition has become infructuous. I do not consider it to be appropriate to go further on this question raised by the learned counsel for the respondent. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. No order as to costs.

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(sunil)